

REMARKS

The Office Action of February 2, 2010 presents the examination of claims 1-16. Claims 1, 2, 5 and 16 are amended herein; the amendments are only as to form. Claims 11 and 13-15 are canceled. Applicants reserve the right to file an application directed to the canceled subject matter pursuant to 35 USC § 120.

Drawings

The Examiner has required filing of revised drawings for this application. The Examiner objects to the size of lettering in the drawings.

Revised Figures 1 and 2 are provided attached hereto. Only the size of the drawings is changed, no new content is added. Accordingly, no new matter is added to the application by the revised drawings.

Statement re Sequence Listing

A Sequence Listing is appended hereto. The Sequence Listing is filed *via* EFS-Web, and therefore no paper copy is provided.

The Sequence Listing is that from the International Application, updated to reflect the present Attorney Docket Number and current application number.

No new matter is added to the application by the Sequence Listing. The Sequence Listing includes only information from the prior art, i.e. known amino acid sequences of proteins named in the specification. (See, paragraph [0013].) SEQ ID NO: 1 is the amino acid sequence of methioninase as described in paragraph [0010] of the specification. SEQ ID NO: 2 is the amino acid sequence of papain from *C. papaya* as described in paragraph [0023] of the specification. SEQ ID NO: 3 is the amino acid sequence of transglutaminase from *S. mobaraensis* as also described at paragraph [0023] (under Table 4 at page 18) of the specification.

The specification is amended to include reference to SEQ ID NOS: 2 and 3 in paragraph [0023].

Priority document

The Examiner is respectfully requested to acknowledge receipt of the priority document for this application, JP2003-426601. Applicants note that the Notice of Missing Requirements issued May 8, 2009 indicates that the certified copy of the priority application filed June 22, 2006 has been made a part of the file for this application.

Rejection under 35 USC § 112, second paragraph

Claims 1-16 are rejected under 35 USC § 112, second paragraph as being indefinite. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The Examiner objects to the language of the preamble of claim 1, which recites, "A process for producing a protein-polymer complex...", joined with the recited active step of "eliminating" a polymer from a conjugate of a protein and a polymer.

The Examiner should consider however, that the invention is one that is an intermediate step in an overall process for preparing a protein-polymer "complex" or conjugate as in, for example, the instance where initial conjugation is to both amino and thiol groups in the protein, and it is desired to eliminate the thiol conjugates and leave the amino conjugates. This is explained in the specification at least in paragraph [0009].

Accordingly, the present claims correctly describe the present invention and the rejection as based upon the above rationale should be withdrawn.

The Examiner also objects to claim 16, for lack of antecedent basis for the term "the protein." Claim 16 is amended herein to remedy this problem, thus obviating this ground for rejection.

Rejections over prior art

Claims 11 and 13-15 are rejected under 35 USC § 102(b) as anticipated by Tan WO '284 or Tan (1998). Claims 11 and 13-15 are canceled herein, rendering these rejections moot.

Claim 16 is rejected under 35 USC § 102(b) as anticipated by Zalipsky. This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested.

The Examiner asserts that claim 16 is ambiguous as written, but interprets the claim to encompass reacting a protein conjugated with a polymer thereto with a compound having a mercapto group.

The Examiner overlooks that claim 16 is directed to elimination of a polymer that is conjugated to a protein through a mercapto group of a cysteine residue of the protein. On the other hand, Zalipsky discloses derivatizing the amino terminal amine group of the protein, and therefore the reaction disclosed in the reference is different from that described in claim 16. Accordingly, the instant rejection should be withdrawn.

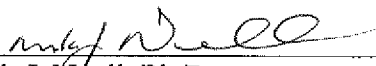
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D., Reg. No. 36,623, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: June 2, 2010

Respectfully submitted,

By 
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Attachments:
Replacement Sheets (2 pages)
Sequence Listing *via* EFS-Web only